THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 05.07.2007

\+ WP(C) No.4699/2007

ASHUTOSH PRAKASH ... Petitioner

- versus -

NATIONAL BOARD OF EXAMINATIONS ... Respondent

with

WP(C) No.4764/2007

DR. ADITYA VARMA ... Petitioner

- versus -

UNION OF INDIA & ANOTHER ... Respondents

Advocates who appeared in this case:

For the Petitioner	:	Mr M.C. Dhingra [in WP(C) 4699/2007] Mr Naresh Kaushik with Mr Satish Dayanandan, Mr G.S. Pandey and Mr Parag Goyal [in WP(C) 4764/2007]
For the Respondent	:	Mr Manmohan, Sr Advocate with Mr Rakesh Gosain and Mr Rudeshwar Singh [in WP(C) 4699/2007]
For the Respondent/UoI	:	Ms Jyotsana Tewari [in WP(C) 4764/2007]
For the Respondent No.2	:	Mr Neeraj Kishan Kaul, Sr Advocate with Mr Rudheshwar Singh and Mr Rakesh Gosain [in WP(C) 4764/2007]

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. These two petitions raise common issues, therefore, they are being disposed of together by this common order. The issue pertains to the notice dated 20.06.2007 which was issued by the National Board of Examinations notifying that the DNB Practical Examination (Radio Diagnosis) held in Lucknow in April, 2007 has been cancelled and that a fresh examination would be conducted on 08-11.07.2007 at Command Hospital, Chandimandir, Chandigrah. It was notified that the details of the centre can also be seen at the website www.natboard.edu.in.

2. The petitioners are the candidates who appeared in the DNB Practical Examination (Radio Diagnosis) at Lucknow in April, 2007. They are aggrieved by the notice of cancellation of the examination and have approached this court for directing the respondents to revoke the cancellation notice and / or to declare their results.

3. The learned counsel for the respondents have submitted that the cancellation of the practical examination conducted at Lucknow was on account of various infirmities which have come to their notice through a complaint by one of the candidates whose name they would not like to disclose.

The learned counsel produced the entire file pertaining to this issue for the perusal of this court. I have examined the same from the complaint right upto the final conclusion arrived at by the National Board of Examinations. It is clear that the National Board of Examinations is an expert body and has the avowed object of conducting fair examinations which should also have uniformity across the country. Various figures have been given in the file that was produced for perusal of this court to indicate the extent of discrepancies in the results at the Lucknow centre compared with the other centres. I need not go into the specifics, but the fact of the matter is that there is a discernible difference. The other aspect that was pointed out was that the marking system followed at Lucknow was entirely different from the marking system followed in the other centres.

4. The learned counsel appearing on behalf of the petitioners submitted that the notice cancelling the examination could in the least have specified the reasons for the cancellation and had they been specified, then, perhaps, the petitioners need not have approached this court.

5. Various arguments were advanced at length by both sides on the issue of cancellation of the examination. It was submitted by the counsel for the respondents that the question of malpractice as well as of non-uniform system of marking adopted at the Lucknow centre was perhaps the reason for

cancellation of the results. Whatever be the reasons, the fact of the matter is that the National Board of Examinations is the expert body which has the duty of maintaining the purity of examinations as well as of ensuring that the examination procedure is uniform. It has determined after a detailed investigation and inquiry that the same was not the case at Lucknow and, therefore, in its wisdom it has thought it fit to cancel the examination. This, in my view, ought not to be interfered with.

6. This being the position, the learned counsel for the petitioners submitted that the examination fixed for 08.07.2007 would be too short a notice for the candidates to prepare. In this regard, the learned counsel for the respondents have conceded that a fresh date may be fixed for the examination and the centre of examination would also be changed from Chandigarh. In fact, they have indicated that the new centre would neither be Delhi nor Chandigarh nor Lucknow and that at least three weeks prior notice would be given to the candidates of holding of the fresh examination. The same shall be posted on their website which the candidates are advised to check from time to time.

With these directions, these writ petitions stand disposed of. The file produced by the respondents is returned.

BADAR DURREZ AHMED
(JUDGE)

July 05, 2007
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